

**VIRGINIA BOARD OF NURSING
FORMAL HEARINGS
September 13, 2010**

TIME AND PLACE: The meeting of the Virginia Board of Nursing was called to order at 10:06 A.M. on September 13, 2010 in Board Room 2, Department of Health Professions, 9960 Mayland Drive, Suite 201, Henrico Virginia.

**BOARD MEMBERS
PRESENT:**

Florence Jones-Clarke, R.N., M.S., Vice President
Joyce A. Hahn, Ph.D, APRN, NEA-BC
John M. Horn, L.P.N.
Patricia C. Lane, R.N., B.S.N.
Judith E. Piersall, R.N., B.S.N.
William Traynham, L.P.N.

STAFF PRESENT:

Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director (joined later)
Gloria D. Mitchell, R.N., M.S.N., M.B.A., Deputy Executive Director
Brenda Krohn, R.N., M.S., Deputy Executive Director
Amy Davis, Executive Assistant
Darlene Graham, Administrative Assistant

OTHERS PRESENT:

Howard M. Casway, Senior Assistant Attorney General
Nursing students from Bon Secours Memorial Hospital; Fortis College; Hampton University School of Virginia Beach; and nurse aide students from Louisa County.

**ESTABLISHMENT OF
A QUORUM:**

With six members of the Board present, a quorum was established.

FORMAL HEARINGS:

Shauna T. Mitchell, C.N.A. 1401-118966
Ms. Mitchell appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

James Wall, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING:

Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to Section 2.2-3711(A) (15) of the *Code of Virginia* at 11:25 A.M. for the purpose of consideration and discussion of medical records of Ms. S. Mitchell that are excluded from the Freedom of Information Act by Virginia Code Section 1 of 22.-3705.5. Additionally, Mr. Horn moved that Ms. Douglas, Ms. G. Mitchell, Ms.

Krohn, Ms. Davis, Ms. Graham, Mr. Casway, Mr. Rutkowski and Ms. Blanks attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened at 11:59 A.M.

CLOSED MEETING: Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 12:13 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. S. Mitchell. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Mitchell, Ms. Krohn, Ms. Davis, Ms. Graham and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 12:40 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.
The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board.
The motion was seconded and carried unanimously.

ACTION: Ms. Piersall moved that the Board of Nursing continue final disposition of this case for a period of sixty days upon the condition that Ms. S. Mitchell undergo a comprehensive mental health examination from a Board approved provider with a report to be reviewed by the Board at its November 2010 meeting at which time Ms. Mitchell shall be noticed to appear before the Board for review of the evaluation and final disposition of the case. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

FORMAL HEARINGS: **Vera Baker, C.N.A. Reinstatement Applicant 1401-062642**
Ms. Baker was not present when the hearing convened at 10:06 A.M.

Cynthia Gaines, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Vicky Fox, Senior Investigator, Department of Health Professions was present and testified.

RECESS: The Board was informed that Ms. Baker was on her way. The Board recessed this hearing at 10:22 A.M. and will reconvene after Ms. Baker arrives.

RECONVENTION: The Board reconvened at 12:53 P.M.

Ms. Douglas joined the meeting.

CLOSED MEETING: Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 1:22 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Baker. Additionally, Mr. Horn moved that Ms. Douglas, Ms. Mitchell, Ms. Ms. Krohn, Ms. Davis, Ms. Graham and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.

The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 1:35 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Mr. Traynham moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION: Mr. Horn moved that the Board of Nursing approve the reinstatement application of Vera Baker and further ordered that Ms. Baker be issued a reprimand. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 1:40 P.M.

RECONVENTION: The Board reconvened at 2:27 P.M.

FORMAL HEARINGS: **Druanne Jones, L.P.N. 0002-024175**

Ms. Jones appeared.

James Rutkowski, Adjudication Specialist, represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Lisa Oliphant, Senior Investigator, Department of Health Professions; Chris Bowers, Health Practitioners Monitoring Program Case Manager were present and testified.

Ms. Douglas left the meeting.

CLOSED MEETING: Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 3:48 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Jones. Additionally, Mr. Horn moved that Ms. Krohn, Ms. Mitchell, Ms. Davis, Ms. Graham and Mr. Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENTION: The Board reconvened in open session at 4:05 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

Dr. Hahn moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Mr. Rutkowski and amended by the Board. The motion was seconded and carried unanimously.

ACTION: Ms. Lane moved that the Board of Nursing issue an order of reprimand and to indefinitely suspend the practical nursing license of Druanne Jones for a period of not less than one year and until such time as she can appear before the Board and provide sufficient evidence that she is safe and competent to practice. The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

RECESS: The Board recessed at 4:10 P.M.

RECONVENTION: The Board reconvened at 4:23 P.M.

FORMAL HEARINGS: **Rovet Denee Cypress, C.N.A. Reinstatement Applicant 1401-086204**
Ms. Cypress appeared.

Cynthia Gaines, Adjudication Specialist represented the Commonwealth. Mr. Casway was legal counsel for the Board. Wanda Blanks, court reporter, recorded the proceedings.

Patricia Sheehan, Senior Investigator, Department of Health Professions was present and testified.

CLOSED MEETING: Mr. Horn moved that the Board of Nursing convene a closed meeting pursuant to §2.2-3711(A)(27) of the *Code of Virginia* at 4:54 P.M., for the purpose of deliberation to reach a decision in the matter of Ms. Cypress. Additionally, Mr. Horn moved that Ms. Krohn, Ms. Mitchell, Ms. Davis, Ms. Graham and Mr.

Casway attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Board in its deliberations.
The motion was seconded and carried unanimously.

RECONVENTION:

The Board reconvened in open session at 5:04 P.M.

Mr. Horn moved that the Board of Nursing certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried unanimously.

Ms. Piersall moved that the Board of Nursing accept the findings of fact and conclusions of law as presented by Ms. Gaines and amended by the Board.

The motion was seconded and carried unanimously.

ACTION:

Mr. Horn moved that the Board of Nursing approve the reinstatement application of Rovet Cypress and issue a reprimand.

The motion was seconded and carried unanimously.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

ADJOURNMENT:

The Board adjourned at 5:07 P.M.

Brenda Krohn, R.N., M.S.
Deputy Executive Director